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Applicant Docket No. 400.10101



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Rolf, Devon A.

Serial No.: 09/721,120

Filed: November 22, 2000

Title: System, Method and Device  
For Playing Recorded Music  
On a Wireless Communications  
Device

Art Unit: 2681

Examiner: Nguyen, Huy D.

Confirmation No. 2986

**CERTIFICATE OF MAILING  
37 C.F.R. 1.8**

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Devon A. Rolf  
Signature: Devon A. Rolf

**AMENDMENT and REQUEST FOR RECONSIDERATION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This is an amendment and request for reconsideration that is responsive to the Final Office Action dated March 21, 2006 in the above-referenced application.

The claims, with only claim 14 being amended because it has a double-occurrence of the word "and", begin on page 2.

Remarks begin on page 12.

1. (Previously Presented) A system for playing prerecorded music, said system comprising:  
  
a portable, handheld wireless cellular telephone having a memory, a player, a microphone for voice communications, and a speaker; and  
  
a remote storage facility, wherein said remote storage facility stores a plurality of music recordings, wherein said wireless cellular telephone is used to wirelessly select and retrieve from said remote storage facility at least one of said music recordings for complete storage of said music recording in said memory, and for playback through said speaker by said player.
2. Canceled.
3. Canceled.
4. (Previously Presented) The system as set forth in claim 1, in combination with a vehicle, wherein said wireless cellular telephone is installed in said vehicle.
5. (Previously Presented) The system as set forth in claim 1, wherein a selected music recording is wirelessly transmitted from said remote storage facility in data packets.
6. (Original) The system as set forth in claim 5, wherein said data packets are transmitted via a third generation network.

7. (Previously Presented) A device comprising:
  - a processor;
  - an input for selecting a music recording;
  - a receiver for wirelessly receiving the selected music recording after it is selected with said input;
  - a memory for storing the received music recording in an encoded format;
  - a buffer through which said encoded music recording is streamed;
  - a player for playing said encoded music recording as it is streamed through said buffer; and
  - a speaker for outputting said encoded music recording as it is played, wherein said device is a wireless communications device comprising a mobile cellular telephone having voice communications capability.
8. Canceled.

9. (Previously Presented) A device for playing encoded music, said device comprising:
- a processor;
  - an input for selecting a music recording;
  - a receiver for wirelessly receiving the selected music recording after it is selected with said input;
  - a removable memory unit for storing said received encoded music recording;
  - a buffer through which said encoded music recording is streamed; and
  - a player for playing said encoded music recording, as it is streamed through said buffer, wherein said device is a mobile wireless cellular telephone having voice communications capability.
10. Canceled.
11. (Previously Presented) The system as set forth in claim 1, wherein said retrieved music recording is encoded in mp3 format.
12. (Previously Presented) The device as set forth in claim 7, wherein said music recording is encoded in mp3 format.
13. (Previously Presented) The device as set forth in claim 9, wherein said encoded music recording is stored in mp3 format.
14. (Currently Amended) The system as set forth in claim 1, wherein said cellular telephone further comprises a display, wherein data indicative of at least one of an artist who recorded said selected music recording and a title of said music recording is wirelessly transmitted from said storage facility with said selected music recording and [and] is displayed on said display of said cellular telephone during playback of said music recording.
15. (Previously Presented) The device as set forth in claim 7, further comprising a display, wherein data indicative of at least one of an artist who recorded said music recording and a title of said music recording is wirelessly received by said receiver and is stored in said memory and is displayed on said display during output of said music recording.
16. (Previously Presented) The device as set forth in claim 9, further comprising a display, wherein data indicative of at least one of an artist who recorded said encoded music recording and a title of said encoded music recording is wirelessly

received by said receiver and is stored in said memory and is displayed on said display during output of said encoded music recording.

17. (Previously Presented) A device comprising:
  - a processor;
  - an input for selecting a music recording;
  - a receiver for wirelessly receiving the selected music recording after it is selected with said input;
  - a memory for storing the received music recording;
  - a player for playing said music recording; and
  - a speaker for outputting said music recording as it is played, wherein said device is a mobile cellular telephone having voice communications capability.
18. (Previously Presented) The device as set forth in claim 17, wherein said music recording is a digital music recording.
19. (Previously Presented) The device as set forth in claim 18, wherein said music recording is encoded in an mpeg format.
20. (Previously Presented) The device as set forth in claim 19, wherein said music recording is encoded in mp3 format.
21. (Previously Presented) The device as set forth in claim 17, further comprising a display, wherein data indicative of at least one of an artist who recorded said music recording and a title of said music recording is wirelessly received by said receiver and is stored in said memory and is displayed on said display during output of said music recording.
22. (Previously Presented) The device as set forth in claim 17, wherein said memory has a plurality of music recordings stored therein.
23. (Previously Presented) The device as set forth in claim 22, wherein said input is further used for selecting for playback a one of said plurality of music recordings stored in said memory.
24. (Previously Presented) The device as set forth in claim 17, wherein said memory is internally located in said device.
25. (Previously Presented) The device as set forth in claim 17, wherein said memory is a removable memory media that is removable from said device.

26. (Previously Presented) The device as set forth in claim 17, wherein said music recording was downloaded to said device via a wireless cellular communications link.
27. (Previously Presented) The device as set forth in claim 26, wherein said music recording was downloaded from a remote server to said device.
28. (Previously Presented) The device as set forth in claim 27, wherein said music recording was downloaded from an online account, at said remote server, associated with said device or a user of said device.

29. (Previously Presented) A device comprising:
- a processor;
  - an input for selecting a music recording;
  - a receiver for wirelessly receiving a selected music recording after it is selected with said input;
  - a memory for storing a selected and received music recording in an encoded format;
  - a decoder capable of decoding the encoded format; and
  - a speaker capable of audibly outputting a received music recording decoded by the decoder, wherein said device is a mobile cellular telephone having voice communications capability.
30. (Previously Presented) The system as set forth in claim 1, wherein said at least one music recording stored in said memory can be played without the need to establish and maintain a communications link with said remote storage facility.



31. (Previously Presented) A device comprising:
- a processor;
  - a memory;
  - a receiver for receiving wireless communication signals;
  - a digitally encoded music recording stored in said memory, wherein said music recording was selected with said device and then wirelessly received by said receiver;
  - a player for playing said music recording; and
  - a speaker for outputting said music recording, wherein said device is a portable, cellular telephone sized for handheld use.
32. (Previously Presented) The device as set forth in claim 31, wherein said at least one music recording stored in said memory can be played without the need to establish and maintain a communications link with a remote source from which said music recording was received.
33. (Previously Presented) The device as set forth in claim 31, wherein said music recording is a complete music recording.
34. (Previously Presented) The device as set forth in claim 31, further comprising a display, wherein data indicative of at least one of an artist who recorded said music recording and a title of said music recording is wirelessly received by said receiver and is stored in said memory and is displayed on said display during play of said music recording.
35. (Previously Presented) The device as set forth in claim 31, wherein said memory has a plurality of music recordings stored therein.
36. (Previously Presented) The device as set forth in claim 35, further comprising an input for selecting a one of said music recordings for playback.
37. (Previously Presented) The device as set forth in claim 31, wherein said memory is internally located in said device.
38. (Previously Presented) The device as set forth in claim 31, wherein said memory is a removable memory media that is removable from said device.
39. (Previously Presented) The device as set forth in claim 31, wherein said music recording was received from an account associated with said device or a user of said device.

40. (Previously Presented) The device as set forth in claim 31, wherein said speaker comprises a speaker that is internal to said device.
41. (Previously Presented) The device as set forth in claim 31, wherein said speaker comprises headphones or an earplug.
- 42-53. Canceled.
54. (Previously Presented) The system as set forth in claim 1 further, wherein said storage facility further comprises a personal account associated with at least one of said cellular telephone and a user of said cellular telephone, wherein at least a title associated with said selected and retrieved music recording is stored in said personal account.
55. (Previously Presented) The system as set forth in claim 1, wherein said system further makes said selected and retrieved music recording available for download to a personal computer associated with a user of said cellular telephone.
56. (Previously Presented) The system as set forth in claim 1, wherein said selected and retrieved music recording is purchased from said remote storage facility.
57. (Previously Presented) The device as set forth in claim 7, wherein said cellular telephone further comprises a microphone as part of said voice communications capability of said cellular telephone.
58. (Previously Presented) The device as set forth in claim 9, wherein said cellular telephone further comprises a microphone as part of said voice communications capability of said cellular telephone.
59. (Previously Presented) The device as set forth in claim 17, wherein said cellular telephone further comprises a microphone as part of said voice communications capability of said cellular telephone.
60. (Previously Presented) The device as set forth in claim 17, wherein said speaker comprises a speaker that is internal to said cellular telephone.
61. (Previously Presented) The device as set forth in claim 17, wherein said speaker comprises headphones or an earplug.
62. (Previously Presented) The device as set forth in claim 29, wherein said cellular telephone further comprises a microphone as part of said voice communications capability of said cellular telephone.
63. (Previously Presented) The device as set forth in claim 29, further comprising a display, wherein data indicative of at least one of an artist who recorded said

music recording and a title of said music recording is wirelessly received by said receiver and is displayed on said display when said music recording is decoded by said decoder.

64. (Previously Presented) The device as set forth in claim 31, wherein said cellular telephone further comprises a microphone for voice communications.